

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EYE FOR AN EYE TELEVISION
PRODUCTIONS, LLC,

Plaintiff,

v.

KATO KAELIN, et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:06-CV-1552-B

MEMORANDUM ORDER

The Court, having considered Defendant Independent Film & Television Alliance's Motion for Extension of Deadline to Move, Plead, or Otherwise Respond to Plaintiff's Petition and finding insufficient grounds for the requested extension, **DENIES** Defendant's Motion.

Federal Rule of Civil Procedure 81(c) states:

In a removed action in which the defendant has not answered, the defendant shall answer or present the other defenses or objections available under these rules within 20 days after the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within 20 days after the service of summons upon such initial pleading, then filed, or within 5 days after the filing of the petition for removal, whichever period is longest.

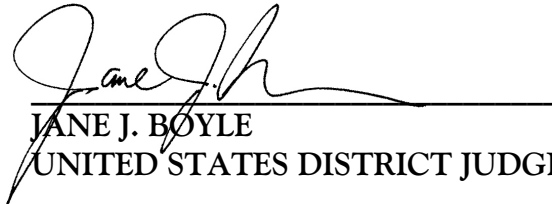
Rule 81(c) provides the Defendant with at least 20 days after service of process to respond. See *Silva v. Madison*, 69 F.3d 1368, 1371 (7th Cir. 1995) (responsive pleading required only when: "defendant is in receipt of the complaint; he has been served with a summons; and the complaint has been filed") cited with approval by *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S.

344, 354 (1999).

Defendant's Motion does not state if and when they were served. Thus, the Court is unable at this time to determine Defendant Independent Film & Television Alliance's filing deadline for responsive pleadings and motions. It is therefore **ORDERED** that Defendant's Motion is **DENIED** and Defendant Independent Film & Television Alliance file its responsive pleadings or motions by **the later of September 29, 2006 or 20 days after service was made.**

SO ORDERED.

SIGNED September 22nd, 2006



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE